

Message Text

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PAGE 01 PORT A 01726 042315Z

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ACTION ARA-20

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O 042230Z SEP 74

FM AMEMBASSY PORT AU PRINCE

TO SECSTATE WASHDC IMMEDIATE 8504

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E.O. 11652: N/A

TAGS: EINV, EFIN, EIND, HA

SUBJECT: DUPONT CARIBBEAN - PIERSON VISIT OF SEPTEMBER 5

REFS: (A) STATE 187317; (B) PAUP 1685

1. ON SEPT. 4 EMBOFF HELD DISCUSSIONS WITH GERARD NOEL IN ATTEMPT CLARIFY SOME OF POINTS MADE BY PIERSON IN PARA 2(A) OF REF A. NOEL HAS PROMISED TO PROVIDE EMBASSY NEXT WEEK, AFTER HE HAS HAD TIME TO CONSULT HIS RECORDS, WITH EXACT DATES OF HIS FIRST CONSULTATIONS WITH PIERSON AS WELL AS DATE NOTICE WAS RECEIVED THAT GOH PLANNED REQUEST COURT ISSUE INJUNCTION AGAINST DCI. NOEL CONFIRMED THAT PIERSON HAD ASKED HIM TO ACT FOR DCI AT THE MARCH 1 INJUNCTION HEARINGS. (COURT RECORD BEARS THIS OUT, SINCE STATEMENTS BY NOEL ARE INCLUDED IN OFFICIAL MINUTES.) NOEL AS LAWYER CONSIDERS BASIC CONTRACT A POOR ONE, ESPECIALLY THE 99 YEAR LEASE ASPECT AND THE CLAUSE REFERRING TO THE WORLD COURT. HOWEVER, NOEL IS APPARENTLY STILL SYMPATHETIC TO PIERSON AND SEEMS INCLINED TO BELIEVE THAT TRANSLINEAR PUSHED GOH INTO ANNULING CONTRACT WITH DCI IN ORDER TO OBTAIN CONTRACT IN ITS OWN RIGHT. NOEL SAID HE WITHDREW FROM CASE BECAUSE IT WAS GETTING "TOO POLITICAL", BUT SEEMED TO MEAN POLITICAL IN US AS WELL AS IN HAITI SINCE IN SAME BREATH HE MENTIONED A TELEPHONE CALL FROM THE THEN US SECRETARY OF TREASURY JOHN CONNALLY. AS AN AFTERTHOUGHT, NOEL TOLD EMBASSY THAT PIERSON HAD NOT YET PAID HIS FEE.

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PAGE 02 PORT A 01726 042315Z

2. EMBASSY HAS NOT YET BEEN ABLE TO TALK WITH GUY BONHOMME (REF A, PARA 2(B)). HOWEVER, EPISODE SEEMS VERY UNLIKELY. AFTER THE CIVIL COURT HEARING OF JULY 9, 1973, PIERSON'S LAWYER MERCERON DID TALK WITH JUDGE KALAM IN THE PRESENCE OF EMBASSY EMPLOYEE RAYMOND GUILLAUME. ACCORDING TO GUILLAUME, KALAM STATED THAT HE HAD ENDEAVORED TO REACH A DECISION STRICTLY ON THE FACTS PRESENTED AT THE TRIAL AND THAT HE WAS POSITIVE ANY COURT WOULD AGREE WITH HIS DECISION.

3. EMBOFF ALSO SPOKE WITH NATIONAL BANK DIRECTOR ANTONIO ANDRE. ANDRE PROVIDED EMBASSY WITH COPY OF TELEGRAM SENT TO PIERSON ON OCT. 27, 1972, WHICH READS AS FOLLOWS: QUOTE ADVISING YOU THAT AN IMPORTANT MEETING OF DCFPA WILL TAKE PLACE NEXT FRIDAY NOV. 3, 1972 IN PORT AU PRINCE STOP WOULD APPRECIATE YOUR PRESENCE OR THAT OF SOME QUALIFIED REPRESENTATIVE WITH POWER FOR DECISIONS STOP PLEASE CABLE THE NAME AGREED FOR TRANSLINEAR'S REPRESENTATIVE STOP SIGNED ANDRE END QUOTE. (COPY WILL BE POUCHED TO DEPARTMENT). ANDRE REPORTED THAT TO BEST OF HIS KNOWLEDGE PIERSON DID NOT REPLY AND NO MEETING WAS HELD.

4. ANDRE, WHO IS INCLINED TO SIDE WITH TRANSLINEAR, STRESSED FACT THAT CONTRACT BETWEEN DCI AND TRANSLINEAR STATED SPECIFICALLY THAT PIERSON WOULD NAME PARTNER OF THE HELMUTH FIRM OR AN OFFICIAL OF TRANSLINEAR TO THE FREE PORT AUTHORITY, BUT THAT PIERSON NEVER IN FACT TOOK SUCH ACTION. ANDRE ALSO NOTED THAT IT WOULD BE DIFFICULT FOR GOH TO COME TO ANY SETTLEMENT OR EVEN DISCUSS PROBLEM WITH EITHER DCI OR TRANSLINEAR WHILE TWO COMPANIES ARE INVOLVED IN TEXAS COURT CASE. IN VIEW OF ANDRE'S LONG YEARS OF EXPERIENCE IN PRIVATE BANKING, PUBLIC BANKING, NEGOTIATION OF CONTRACTS BETWEEN GOH AND FOREIGN COMPANIES, PRESIDENT OF BOARD OF HAITIAN STATE AND MIXED ENTERPRISES, PIERSON STATEMENT (REF A, PARA F 2 AND 3) THAT ANDRE FAILED TO UNDERSTAND NATURE OF CONTRACT AND BUSINESS PRACTICES SEEMS EXAGGERATION.

5. EMBOFF ALSO HAD LONG DISCUSSION WITH PIERSON'S LAWYER GERARD MERCERON. MERCERON STATED THAT PIERSON HAS FRENCH TEXT OF THE PLEADING MERCERON HAD SUBMITTED TO APPEALS COURT WHICH WAS THE FULLEST WRITTEN STATEMENT PROVIDED. MERCERON SAID HE HAD NO OTHER COPY OF THE PLEADING AND WOULD NOT EVEN BE ABLE TO APPROACH COURTS LIMITED OFFICIAL USE

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PAGE 03 PORT A 01726 042315Z

REQUESTING PERMISSION TO MAKE A COPY OF ONE IN COURT'S FILE UNTIL OCTOBER WHEN COURTS REOPEN. MERCERON SAID THAT HAITIAN GOVERNMENT, IF ANYTHING, WAS ESPECIALLY LENIENT IN NOT SETTING THE FIRST COURT HEARING TILL LATE JUNE. GOH COULD LEGALLY HAVE SET HEARING FOR TEN DAYS AFTER PIERSON HAD BEEN SERVED WITH A SUMMONS (APRIL 11). MERCERON ALSO NOTED THAT HAITIAN LAW FOLLOWS FRENCH LAW AND THAT ONCE A SUMMONS HAS BEEN SERVED IT IS UP TO DEFENDANT AND HIS LAWYER TO FIND OUT WHEN HEARINGS WILL BE HELD. COURTS ISSUE NO

ADDITIONAL NOTICES.

6. MERCERON ALSO EXPRESSED BELIEF THAT PIERSON HAD TRIED TO HOLD MEETINGS OF THE FREE PORT AUTHORITY, BUT THAT HE HAD MADE HIS REQUESTS BY TELEPHONE OR BY ATTEMPTS TO SEE CAMBRONNE. LAWYER WENT ON TO SAY THAT PIERSON SHOULD HAVE SENT CABLES OR REGISTERED LETTERS, BUT HAD BEEN UNABLE TO PROVIDE HIS LAWYER WITH SUCH DOCUMENTARY PROOF.

7. MERCERON STATED HE BELIEVED GOVERNMENT HAD NOT PROVED ITS CASE AND NOTED THAT COURT HAD REFUSED UNDERTAKE THE INVESTIGATION INTO WEBER ALEXANDRE'S AND CAMBRONNE'S ACTION WHICH HE (MERCERON) HAD SUGGESTED.

THOMSON

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